

**ASSEMBLY BILL**

**No. 2593**

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**Introduced by Assembly Member Brown**

February 19, 2016

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An act to amend Section 113789 of the Health and Safety Code, relating to food.

LEGISLATIVE COUNSEL'S DIGEST

AB 2593, as introduced, Brown. Food facilities: private homes.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, and defines a food facility to mean an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption at the retail level, as specified. Existing law exempts, among others, a private home, including a registered or permitted cottage food operation from the definition of food facility.

This bill would additionally exempt from the definition of food facility, a private home that meets specified requirements, including that the private home is not open to the public and the cook directly sells the food to the consumer after fully informing the consumer on all of the cook's methods of food preparation and handling.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 113789 of the Health and Safety Code  
2     is amended to read:

1 113789. (a) “Food facility” means an operation that stores,  
2 prepares, packages, serves, vends, or otherwise provides food for  
3 human consumption at the retail level, including, but not limited  
4 to, *both of* the following:

5 (1) An operation where food is consumed on or off the premises,  
6 regardless of whether there is a charge for the food.

7 (2) A place used in conjunction with the operations described  
8 in this subdivision, including, but not limited to, storage facilities  
9 for food-related utensils, equipment, and materials.

10 (b) “Food facility” includes permanent and nonpermanent food  
11 facilities, including, but not limited to, *all of* the following:

12 (1) Public and private school cafeterias.

13 (2) Restricted food service facilities.

14 (3) Licensed health care facilities, except as provided in  
15 paragraph (13) of subdivision (c).

16 (4) Commissaries.

17 (5) Mobile food facilities.

18 (6) Mobile support units.

19 (7) Temporary food facilities.

20 (8) Vending machines.

21 (9) Certified farmers’ markets, for purposes of permitting and  
22 enforcement pursuant to Section 114370.

23 (10) Farm stands, for purposes of permitting and enforcement  
24 pursuant to Section 114375.

25 (11) Fishermen’s markets.

26 (c) “Food facility” does not include any of the following:

27 (1) A cooperative arrangement wherein no permanent facilities  
28 are used for storing or handling food.

29 (2) (A) A private home, including a cottage food operation that  
30 is registered or has a permit pursuant to Section ~~114365~~. 114365  
31 and a private home described in subparagraph (B).

32 (B) A private home that meets all of the following requirements  
33 shall:

34 (i) The food is prepared and handled by no more than two  
35 individuals.

36 (ii) The private home is not open to the public, and the cook  
37 invites or approves all consumers coming into his or her private  
38 home in advance.

39 (iii) The cook fully informs a consumer on all of his or her  
40 methods of food preparation and handling and any risks associated

1 *with the food preparation or handling in the private home through*  
2 *informational materials before the purchase of food.*

3 *(iv) The cook directly sells the food to the consumer.*

4 *(v) There are no complaints submitted to any authority asserting*  
5 *unsafe practices, nuisance, or negligence on part of the cook.*

6 *(vi) There are no more than six consumers in the cook's private*  
7 *home at any one time.*

8 (3) A church, private club, or other nonprofit association that  
9 gives or sells food to its members and guests, and not to the general  
10 public, at an event that occurs not more than three days in any  
11 90-day period.

12 (4) A for-profit entity that gives or sells food at an event that  
13 occurs not more than three days in a 90-day period for the benefit  
14 of a nonprofit association, if the for-profit entity receives no  
15 monetary benefit, other than that resulting from recognition from  
16 participating in an event.

17 (5) Premises set aside for wine tasting, as that term is used in  
18 Section 23356.1 of the Business and Professions Code, or premises  
19 set aside by a beer manufacturer, as defined in Section 25000.2 of  
20 the Business and Professions Code, and in the regulations adopted  
21 pursuant to those sections, that comply with Section 118375,  
22 regardless of whether there is a charge for the wine or beer tasting,  
23 if no other beverage, except for bottles of wine or beer and  
24 prepackaged nonpotentially hazardous beverages, is offered for  
25 sale or for onsite consumption and no food, except for crackers,  
26 pretzels, or prepackaged food that is not potentially hazardous  
27 food is offered for sale or for onsite consumption.

28 (6) An outlet or location, including, but not limited to, premises,  
29 operated by a producer, selling or offering for sale only whole  
30 produce grown by the producer or shell eggs, or both, provided  
31 the sales are conducted at an outlet or location controlled by the  
32 producer.

33 (7) A commercial food processing establishment as defined in  
34 Section 111955.

35 (8) A child day care facility, as defined in Section 1596.750.

36 (9) A community care facility, as defined in Section 1502.

37 (10) A residential care facility for the elderly, as defined in  
38 Section 1569.2.

- 1     (11) A residential care facility for the chronically ill, which has  
2     the same meaning as a residential care facility, as defined in Section  
3     1568.01.
- 4     (12) (A) An intermediate care facility for the developmentally  
5     disabled, as defined in subdivisions (e), (h), and (m) of Section  
6     1250, with a capacity of six beds or fewer.
- 7     (B) A facility described in subparagraph (A) shall report any  
8     foodborne illness or outbreak to the local health department and  
9     to the State Department of Public Health within 24 hours of the  
10    illness or outbreak.
- 11    (13) A community food producer, as defined in Section 113752.